

DR. OLGA WEISFEILER

February 26, 2008

Her Excellency Michelle Bachelet Jeria  
President of the Republic of Chile  
Palacio de la Moneda  
Santiago, Chile

Dear Madam President:

I regret we did not have the opportunity to meet with you during our (my daughter's and my) trip to Chile this past January.

As you are well aware, the case of Professor Boris Weisfeiler's disappearance is still unresolved.

After our meeting with you in Washington DC in June 2006, I truly hoped that things would actually change after I raised with you the many very troubling issues concerning the investigation. Some of those issues included:

- The absence of any progress after what was then six years of investigation;
- That U.S. declassified documents were not available for investigators to read in Spanish;
- Ministro Zepeda's failure to investigate the military's or Colonia Dignidad's involvement;
- Ministro Zepeda's apparent reluctance to fully investigate Prof. Weisfeiler's disappearance.

In 2006, we asked you to establish a special task force to identify the informant "Daniel" and create a commission of inquiry to determine if another Ministro en Visitado should be appointed.

At that time, we also asked you to permit much needed FBI technical and investigative support in the investigation.

Regrettably, as of today, nothing has changed. After eight years of investigation conducted by the Chilean judiciary, we are no closer to a resolution than we were in January 2000 when that investigation began. The one thing we do know for sure, along with Judge Zepeda, is that my brother did not accidentally drown while crossing a river but rather was murdered. This fact I have known all along.

Despite the fact that the PICH officers in charge of investigation are aware of the U.S. declassified documents, they still have no access to them in Spanish. Judge Zepeda himself seemed unaware of numerous details described in those documents.

In addition, the chief PICH investigator is to be replaced once again on March 1; the next one will be the sixth officer-in-charge in eight years of investigation. With each such replacement in the investigation, it has been set back to square one.

On January 23, we had a meeting with Subsecretario de Guerra, Gonzalo Garcia Pino. During the meeting, Sr. Garcia assured us that his office never received any request from Judge Zepeda to search for possible documents related to military involvement in Prof. Weisfeiler's disappearance. The Directorate of the Chilean Intelligence did not receive such a request either, despite the fact that the U.S. declassified documents pointed to the CNI's involvement in Boris' disappearance and the fact that the informant "Daniel" himself then claimed to be a non-commissioned CNI officer.

Furthermore, as recently as January 2008 Judge Zepeda claims that he never heard of, nor ever saw the list of names and photographs of the members of the area's military patrols that you, as Minister of Defense, personally provided to Judge Solis, the investigating judge at the time.

Also by January 2008, neither the CDE attorney representing the Weisfeiler case, Daniel Martorell, nor family attorney Hernan Fernandez, has had access to the judicial file. Judge Zepeda continues to reject the involvement of the CDE and Daniel Martorell in the investigation.

A few months ago, the U.S. embassy submitted to the judge's office copy of the tapes made in 1987 by Maximo Pacheco at his office during "Daniel's" interviews. Judge Zepeda is claiming he did not receive those tapes. The matter of Máximo Pacheco's direct connection to the informant "Daniel" and possibly to Colonia Dignidad also remains unresolved. We previously discussed the Pacheco's issue with you and now once again, with CDE President Carlos Mackenney; I am hoping that your office can assist in finally resolving this matter in a timely fashion.

Finally, the issue of most serious concern is that Judge Zepeda refuses to permit the FBI to contribute to, and participate in, the investigation of my brother's disappearance. For my family and I, this is an incomprehensible position on the part of the judge and the Chilean government.

Indeed, I have reluctantly arrived at the conclusion that the stalled investigation of Prof. Weisfeiler's disappearance raises serious questions about your country's commitment to a thorough investigation and resolution of the case of this U.S. citizen's disappearance.

Sra. Presidenta, for your convenience, I am enclosing my statement made at a press conference at the U.S. Embassy on January 29, 2008. At the press conference, U.S. Ambassador Paul Simons reiterated that solving the Weisfeiler's case remains as high priority to the U.S. government.

I hope the Chilean Government will also make it a priority.

You of all people must know how I feel after 23 years of fruitless searching and now eight years of empty promises of thorough investigation and resolution of my brother's case. As President, you have the power to change this grim situation and I appeal to you to do so.

I look forward to your reply and prompt corresponding actions.

Sincerely yours,

Olga Weisfeiler

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Cc:

Jose Antonio Viera-Gallo, Ministro Secretario General de la Presidencia;  
Mariano Fernández, Ambassador of Chile to the U.S.;  
Paul Simons, U.S. Ambassador to Chile;  
Condoleezza Rice, U.S. Secretary of State;  
Edward M. Kennedy, U.S. Senator (Massachusetts);  
Arlen Specter, U.S. Senator (Pennsylvania);  
Bob Casey, U.S. Senator (Pennsylvania);  
Barney Frank, U.S. Congressman (Massachusetts);  
John E. Peterson, U.S. Congressman (Pennsylvania).

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